

**TOWN OF LAUDERDALE-BY-THE-SEA
TOWN COMMISSION
REGULAR MEETING MINUTES
Jarvis Hall
4505 Ocean Drive
Tuesday, April 14, 2015
7:00 PM**

1. CALL TO ORDER, VICE MAYOR CHRIS VINCENT

Vice Mayor Chris Vincent called the meeting to order at 7:03 p.m. Also present were Commissioner Mark Brown, Commissioner Stuart Dodd, Commissioner Elliot Sokolow, Town Manager Connie Hoffmann, Assistant Town Manager Bud Bentley, Assistant to the Town Manager Pat Himelberger, Town Attorney Susan L. Trevarthen, Finance Director Tony Bryan, Municipal Services Director Don Prince, Public Information Officer Steve d'Oliveira, and Town Clerk Tedra Smith.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. INVOCATION

Pauline Brooks McGuinness gave the Invocation.

4. ADDITIONS, DELETIONS, DEFERRALS OF AGENDA ITEMS

None.

5. PRESENTATIONS

a. Strategic Marketing Plan Update (Pat Himelberger, Assistant to the Town Manager)

Kathy Koch of Ambit Advertising and Public Relations gave a six month update on the results of the fall/winter advertising campaign, noting that tourism continues to be healthy in Broward County, with a 5% increase during the last year. She also reviewed increases in hotel occupancy, retail, and restaurant business in Lauderdale-By-The-Sea since last year's renovations, and emphasized the importance of the Town's improvements in helping to attract visitors.

Media goals and strategy remain consistent in positioning the Town as a desirable year-round location, increasing the number of visits, promoting the Town as a dive destination, driving traffic to www.lbtsevents.com, and targeting northern climates in fall and winter and Florida markets in spring and summer. Public relations outreach included hosting dive journalists in the Town's hotels during 2014 Bugfest-By-The-Sea, after which many of these journalists wrote about their experiences in the Town.

Ambit worked with the Broward CVB and Visit Florida to make best use of the Town's advertising dollars via co-op ads. They also had success in pitching publications to write stories about LBTS in the publications in which we advertised. And working with Opt-Web, who manages the Town's lbtsevents.com site, they have expanded the Town's social media presence.

New outreach in 2015 includes:

- Targeting a Canadian audience through advertising and an editorial in a publication called *Dreamscapes*
- National emails targeting the Boston market for winter travel, including a landing page for individuals who click through these emails
- Advertising in a CVB publication that lists the Town's hotels and dive sites
- Branding Lauderdale-By-The-Sea as the Shore Diving Capital of Florida
- Redesigning www.lbtsevents.com to make it a more mobile-friendly site

Ongoing strategy for summer 2015 includes maintaining successful media outreach, increasing visitation from summer markets, partnership with Yellow Cab, advertising opportunities with AAA and TripAdvisor, a television ad campaign targeting Broward residents, and including a specialized rack card at Visit Florida Welcome Centers.

Town Manager Connie Hoffmann recommended that Ms. Koch also make this presentation to Lauderdale-By-The-Sea's Chamber of Commerce Board of Directors so they are aware of the Town's efforts.

b. Town Agenda E-mail Notification Program (Steve d'Oliveira, Public Information Officer)

Public Information Officer Steve d'Oliveira explained that the Town recently began a program through which residents may visit the Town's website and sign up for Town Commission, Planning and Zoning Board, and/or Board of Adjustment agenda notifications. This program serves as a reminder for residents who wish to keep abreast of Town issues.

c. Accepting the Parking Strategic Plan Final Report (Connie Hoffmann, Town Manager)

Assistant Town Manager Bud Bentley recalled that the Town Commission had participated in workshops and provided some policy direction to Desman Associates, the Town's parking consultant, but there are a few matter where direction is still needed.

Christian Luz of Desman Associates summarized the Parking Strategic Plan findings and recommendations as follows:

- The Town's current parking supply is sufficient to meet demand during the majority of time, but nears capacity on Friday and Saturday evenings during tourist season.

- Construction of a parking garage is not presently justified by parking demand, although the parking system can financially support the construction and operation of a garage if it is warranted in the future.
- The need for a parking garage should be revisited every two to three years to determine if demand has increased sufficiently to warrant this facility.
- Should the Town continue to approve restaurant and entertainment uses in the beach area, additional parking will be necessary to meet the increased demand.
- The Town should continue to explore additional opportunities to lease property and develop surface parking lots and/or add spaces to existing lots. The Town should, ideally, create about 100 additional parking spaces.
- Parking rates should be increased to better manage parking demand, increase efficiency, and help finance necessary parking system improvements and/or other public improvements.
- Alternative means to manage the parking supply would include shuttles during peak periods to bring people to the downtown from more distant underutilized, parking spaces and/or a sophisticated digital system which alerts drivers to where parking is available. The latter would require sensors in each parking spot.

Mr. Luz concluded that the initial parking rate increase should occur as soon as possible, with another increase in two to three years to keep pace with the market.

A garage constructed on the existing A1A lot would result in a net addition of approximately 235 spaces, but be very costly per space added. Most of the year, the additional spaces would not be utilized by people coming to our businesses, but might be used by more beachgoers. He recalled comments by the Commission and staff about how much beach parking the Town wants to provide, as daytime beachgoers may not significantly patronize local businesses. To discourage beach parkers from parking in prime downtown locations, he noted that rates can be structured to increase dramatically after a 2 hour stay.

It Commissioner Brown stated that the Broward Metropolitan Planning Organization (MPO) is open to the possibility of helping to pay for the construction of a garage in Lauderdale-By-The-Sea if the Town makes this decision in the future.

Mr. Luz recommended that the cost of hardship permits be increased by 50% in 2015 and 20% annually thereafter. If the Commission accepted that, hardship permits would increase from \$15 to \$22.50 per day. He explained that the cost increase proposed for of hardship permits is reflective of the value of this service, not because the parking system needed the revenue.

Town Manager Hoffmann clarified that it was the property owner (hoteliers, apartment building owners) who applied for and paid for the hardship permits, not the tenant or the hotel guest. She noted that a prior Commission had cut the cost of the hardship permits in half during the recession. Now that Town property values had increased significantly, these owners could bear some of this cost.

Commissioner Brown did not agree, pointing out that the hardship parking program was begun to address the use of older buildings that cannot meet current parking requirements.

Mr. Luz stated that he could find no other city that provided such permits in South Florida.

Commissioner Sokolow and Vice Mayor Vincent spoke in favor of the increase.

Commissioner Dodd made a motion, seconded by Commissioner Sokolow, to accept the recommendation for hardship permits and bring it back for formal approval at a future meeting with appropriate rates. Motion carried 3-1 (Commissioner Brown dissenting).

Mr. Luz then reviewed the recommendations for resident parking permits. Assistant Manager Bentley explained that these recommendations were based on the conclusions the Commission came to in an earlier discussion of resident permits.

Town Manager Hoffmann clarified that Staff's recommendation for residential permits would allow residents to register as many vehicles as they own at their address, with permits tied to specific vehicles. Permanent residency is not required to participate in this program. It was noted that this policy would also apply to business vehicles that are an individual's primary source of transportation. No rate increase was proposed. Resident permits would allow up to three hours in a designated parking area and may not be used within 800 ft. of an individual's place of business or residence.

Commissioner Dodd made a motion, seconded by Commissioner Sokolow, to approve Staff recommendations for residential parking permits so Staff can proceed to draw up an Ordinance. Motion carried 4-0.

d. Status and Timeline for the Evaluation and Appraisal Report for the Town's Comprehensive Plan (Linda Connors, Town Planner / Assistant Development Services Director)

Town Planner/Assistant Development Services Director Linda Connors advised that the State of Florida requires regular updates of the Town's Comprehensive Plan through the Evaluation and Appraisal Report. The Town must determine if changes in State requirements trigger a need for changes to the Plan and address of pertinent changes in community conditions. The Town must submit a letter to the State to notify them of any amendments to the Plan, which must be completed within one year of the letter.

A public workshop is planned for Thursday, April 23 at 6 p.m. with the Planning and

Zoning Board. Discussion will include statutory changes that affect the planning process, review of goals and policies, the process for updating the Plan, and the timeline for the

update's completion. A second public hearing is planned for July, and Staff will present the required letter to the Town Commission in September.

6. PUBLIC COMMENTS

Vice Mayor Vincent opened public comment.

Joel Snyder, resident, disagreed with the Town Commission's decision at the last meeting to grant an extension to the construction deadline of a property located near his home. He advised that the ongoing work on this property generates debris that affects neighborhood residents. He felt the contractor was not properly manning the job.

Jerry Sehl, resident, provided a handout on a website he had created that would provide live social media video broadcasts of the Town focusing on lifestyle, entertainment, sports, and travel. He noted that the Kiwanis Club is partnering with the Chamber of Commerce to develop an email subscription list to distribute news, emergency information, meeting agendas, and volunteer advisories.

Barbara Cole, resident, thanked staff for instituting the Town Agenda email notification program, and expressed concern regarding Resolution 2015-12, which addresses legislation being considered by the State Legislature to regulate sober houses. She did not feel the legislation would accomplish anything as it called for voluntary registration.

John Boutin, resident and business owner reported that Lauderdale-By-The-Sea received an award for the innovative manner in which its' Relay for Life event is held, which has improved the event on a nationwide basis.

Rick Imboden, resident, congratulated the Town Commission on the Town's recent improvements, and urged all present and watching on TV to maintain a nonpartisan attitude during the next election cycle.

7. PUBLIC SAFETY DISCUSSION

None.

8. TOWN MANAGER REPORT

None.

9. TOWN ATTORNEY REPORT

None.

10. APPROVAL OF MINUTES

- a. **March 10, 2015 Town Commission Meeting Minutes (Tedra Smith, Town Clerk)**
- b. **March 24, 2015 Town Commission Meeting Minutes (Tedra Smith, Town Clerk)**

Commissioner Dodd made a motion, seconded by Commissioner Sokolow, to approve the minutes [for both dates]. Motion carried 4-0.

11. CONSENT AGENDA

Commissioner Dodd pulled Item 11b for comment.

- a. **Request for Special Event Date Change for the 5K Pier to Pier Beach Run (Bud Bentley, Assistant Town Manager)**
- b. **Special Event Application from Athena's to hold Saturday Night Music Events (Bud Bentley, Assistant Town Manager)**

Commissioner Dodd requested that Staff address Clause 6 of the Special Event Application, and encouraged residents and businesses to recycle materials following events. Asst. Town Manager Bentley added that for larger events, applicants use recycling bins provided by the Town at no additional charge.

Asst. Town Manager Bentley recalled that the Commission has requested that Code fines or other funds owed by the applicant to the Town be reported at the time a Special Event Application is presented for approval. He advised that there is one such violation for property owned by the applicant at 216 Commercial Drive. The restaurant at that location is limited to 10 seats because it only has one restroom but it has consistently provided more seating than allowed by Building Code.

Commissioner Dodd felt the application should be approved only for a limited time and come back for review. Staff recommends that this Application be approved. Asst. Town Manager Bentley explained that Staff feels the issue will be resolved soon, as the business may not receive a permit for a sidewalk café in the fall if it continues to owe fines to the Town. He noted that was a bigger incentive for compliance.

Commissioner Dodd made a motion, seconded by Commissioner Sokolow, to grant the 12-month permit with review in October when the remaining 10 months are subject to the condition that this Code issue is resolved. Motion carried 4-0.

- c. **Amendment to the License Agreement to Use 4312 Ocean Drive for a Temporary Parking Lot (Bud Bentley, Assistant Town Manager)**

- d. Review of Approved Ordinance 2015-04, Rooftop Uses (Susan Trevarthen, Town Attorney)**
- e. Special Event Application from American Cancer Society for the Relay for Life of Air and Sea Event proposed for Saturday, May 9, 2015 (Bud Bentley, Assistant Town Manager)**
- f. Approval of Parking Management Contract with Republic Parking (Tony Bryan, Finance Director)**

Commissioner Dodd made a motion, seconded by Commissioner Sokolow, to approve Items A, C, D, E, and F. Motion passed 4-0.

12. OLD BUSINESS

None.

13. NEW BUSINESS

- a. Broward League of Cities – Board of Directors (Tedra Smith, Town Clerk)**

It was clarified that Commissioner Sokolow currently serves as Director, with Commissioner Brown serving as first alternate and Vice Mayor Vincent as second alternate.

Motion made by Commissioner Dodd, seconded by Commissioner Sokolow, to approve the same three [representatives]. Motion carried 4-0.

- b. Application for Relief of Code Enforcement Liens at 255 Hibiscus Ave. Tropic Drive (Linda Connors, Assistant Development Services Director / Town Planner)**

Asst. Development Services Director Connors recalled that this Application first came before the Board in January 2015, at which time the Commission determined they would be willing to mitigate liens of \$332,000 to approximately \$83,000, or 25% of the total owed. Following this mitigation, the property owner, J. P. Morgan Chase Bank, indicated they were not satisfied with the mitigation amount, as they had requested mitigation to \$10,000. A second mitigation application has been filed, with the Applicant raising the following issues:

- Applicant contends that two of the liens totaling \$173,000 are not valid and should not be included in the mitigation amount;
- Applicant believes they should not be held accountable for \$154,000 in liens that occurred before they took possession of the property;

- Applicant has paid the waste collection bill, but does not feel responsible for \$13,000 in related fines, as it took several months to assume possession of the property and remove the previous owner.

Asst. Development Services Director Connors noted that in a similar case, an applicant had contended that his liens were wiped out as a result of the foreclosure process; however, the court found in favor of the Town, stating that these liens were valid and enforceable. The Town Attorney agreed that some of the liens were wiped out, but not in the amount the applicant contends.

Connors noted that the Code requires the case to be reviewed based on the criteria outlined in the Staff Report. These criteria include expenses incurred by Chase in curing the violations, which total \$3,337. Mitigation to the 25% level of the new lien total would be \$54,927.50, plus administrative fees of \$650, and should be contingent upon full payment by May 14, 2015. Chase has proposed a settlement of \$7500, or 3%.

Paul Minoff, representing J.P. Morgan Chase Bank, noted that the foreclosure process for the subject property was contentious for Chase, including multiple cross-claims; once the institution took possession of the property, it acted to address the Code violations. He requested that the Town reduce the \$54,927.50 mitigation under discussion in light of the institution's intent to comply with Code.

Commissioners noted that the Code violations in this case had a negative impact on neighboring properties for an extended time.

Town Attorney Trevarthen clarified that liens existing prior to December 2012, when the bank took possession of the property, were not included in the revised total amount. Vice Mayor Vincent added that Chase's response to correcting the code violations was not a timely response. Commissioner Sokolow added that he would be willing to reduce the proposed mitigation amount by the \$3,337 Chase has spent in addressing Code issues on the property.

Commissioner Sokolow made a motion, seconded by Commissioner Brown, for 25% lien mitigation to \$54,927.50 plus the administrative fee of \$650 and minus the \$3,337 Chase has spent to cure violations, totaling \$52,240.50. Motion carried 4-0.

14. ORDINANCES

Ordinances 1st Reading

None.

Ordinances 2nd Reading

None.

15. RESOLUTIONS – PUBLIC COMMENTS

- i. 2015-11 – A Resolution authorizing the Office of Film, Music, & Entertainment of the Broward County Greater Fort Lauderdale Convention & Visitors Bureau to issue “One-Stop Permit” for commercial photography and motion picture, television, and music video projection within the Town of Lauderdale-By-The-Sea; designating a liaison; providing duties; providing for conflict; and providing an effective date (Bud Bentley, Assistant Town Manager)**

At this time Vice Mayor Vincent opened public comment, which he closed upon receiving no input.

Commissioner Dodd requested clarification that the Broward County Economic Development Board may not issue a permit without Town approval. Asst. Town Manager Bentley confirmed this.

Commissioner Dodd made a motion, seconded by Commissioner Sokolow, to approve. Motion carried 4-0.

- ii. 2015-12 – A Resolution of the Town Commission of the Town of Lauderdale-By-The-Sea, Florida, urging the Florida Governor to support regulation of Recovery Residences / Sober Homes in the form of voluntary state-wide licensing and registration; providing for an effective date (Tedra Smith, Town Clerk)**

Vice Mayor Vincent opened public comment, which he closed upon receiving no input.

Town Attorney Trevarthen explained that the current legislation cited in the Resolution is believed to have a stronger chance of passing into law than last year's bill which failed. She noted that the bill had more teeth than it appeared and that it wasn't entirely voluntary. Town Manager Hoffmann advised that versions of the legislation has been passed by both the State House and State Senate, and will now be sent to the committee to resolve any differences.

Commissioner Sokolow made a motion, seconded by Commissioner Dodd, to approve. Motion carried 4-0.

- iii. 2015-13 – A Resolution of the Town Commission of the Town of Lauderdale-By-The-Sea, Florida, urging the Florida State Legislature to uphold the current Florida Statute providing for payment of expenses caused by the interference of utility facilities with transportation projects, and opposing House Bill**

391 and Senate Bill 896; providing for an effective date (Tedra Smith, Town Clerk)

Vice Mayor Vincent opened public comment, which he closed upon receiving no input.

Commissioner Brown observed that he found the proposed legislation to be offensive, as utility companies are already provided with easements by the cities at no cost, and should not seek to shift costs to the municipalities.

Commissioner Brown made a motion, seconded by Commissioner Dodd, to approve. Motion carried 4-0.

iv. 2015-14 – A Resolution of the Town of Lauderdale-By-The-Sea, Florida, providing for the appointment of members to the Program for Public Information Committee; providing for conflict; providing for an effective date (Don Prince, Municipal Services Director)

Vice Mayor Vincent opened public comment, which he closed upon receiving no input.

The following appointees to the Committee were noted: Robert Porges (Community), Dan McOlvin (Community), Jay Flynn (Community), Steve d'Oliveira (Town Employee), and Don Prince (Town Employee).

Commissioner Sokolow made a motion, seconded by Commissioner Dodd, to approve. Motion carried 4-0.

16. QUASI JUDICIAL PUBLIC HEARINGS

None.

17. COMMISSIONER COMMENTS

Commissioner Brown reported that the Broward MPO has identified a funding source for the El Mar Greenway project's engineering and design phase. Representatives of the Florida Department of Transportation (FDOT) will be in the Town performing preliminary work for this phase. The project's scope has been expanded to include the area between Flamingo Drive and Palm Avenue.

Commissioner Brown added that Fort Lauderdale's Sun Trolley is expected to begin service in Lauderdale-By-The-Sea by August 2015. In addition, the Pelican Hopper may now be tracked using the Sun Trolley mobile app. In conclusion, he commended all involved in the recent theater performances sponsored by the Community Center.

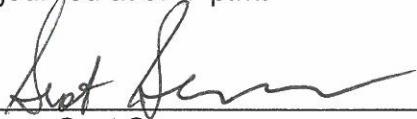
Lauderdale-By-The-Sea
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Commissioner Dodd advised that neither Hillsboro Inlet nor the Coastal Oceans Task Force have met in the last two weeks. Broward County Commissioner Chip LaMarca has been appointed to the Task Force as an Alternate, and will attend the next scheduled meeting. He also noted the recent efforts of Pompano Beach and Deerfield Beach to attract additional tourism, including a shipwreck, statues, and a beach parking area.

Commissioner Dodd continued that Lauderdale-By-The-Sea could establish additional artificial reefs consisting of different materials. He also expressed concern regarding a decision at the last meeting to mitigate a lien [in connection with a construction permit extension], pointing out that additional mitigation requests might be forthcoming from entities that have not addressed Code violations for many years, such as a property on Imperial Lane which has large fines for not completing a construction project in over six years. He provided the Commission with an article from the *Sun-Sentinel* on local and federal legislation regarding puppy mills. He concluded by suggesting that Commissioner Comments should follow Public Comments on the Agenda and not be relegated to the end of the meeting.

18.ADJOURNMENT

With no further business to come before the Commission at this time, the meeting was adjourned at 9:17 p.m.



Mayor Scot Sasser

ATTEST:



Town Clerk Tedra Smith

4/28/15

Date